

Message Text

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ACTION OES-06

INFO OCT-01 ARA-06 EUR-12 EA-07 ISO-00 FEA-01 ACDA-07
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DLOS-06 DODE-00 DOTE-00 EB-08 EPA-01
ERDA-05 FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01
PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01 /134 W
-----182202Z 118378 /63

R 181748Z MAR 77
FM USMISSION EC BRUSSELS
TO SECSTATE WASHDC 3311
INFO ALL EC CAPITALS 3302
AMEMBASSY TOKYO
AMEMBASSY MADRID
US CONSUL MARTINQUE 10
AMEMBASSY PARAMARIBO
AMEMBASSY BRASILIA

LIMITED OFFICIAL USE SECTION 1 OF 2 EC BRUSSELS 2681

E.O. 11652: N/A
TAGS: EEC, EFIS, PLOS
SUBJECT: U.S. FISHERY OFF FRENCH GUIANA

REF: (A) STATE 57491; (B) EC BRUSSELS 2170; (C) PARIS 6748;
(D) ECA-88; (E) EC BRUSSELS 64 (ALL NOTAL)

1. SUMMARY: EC COMMISSION DEPUTY DIRECTOR GENERAL GALLAGHER ADVISED THE MISSION THAT THE U.S. SHOULD CONTINUE FISHING OFF FRENCH GUIANA AS PROVIDED UNDER THE GENERAL CONDITIONS OF THE EC AUTHORIZATION THAT THE U.S. CAN FISH IN EC WATERS AT THE SAME RATE AS IN 1975. HE SAID THAT THE COMMISSION IS DISCUSSING POSSIBLE IMPOSITION OF A LICENSING SYSTEM OFF FRENCH GUIANA AS WELL AS QUOTAS AND OTHER CONSERVATION MEASURES BUT IT HAS NOT YET BEEN DECIDED UPON AND IN THE MEANTIME THERE IS NO LIMITED OFFICIAL USE

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DECISION ON WHO WILL ISSUE LICENSES, CONDITIONS FOR FISHING, ETC. SOME OF THESE PROPOSED MEASURES MAY POSE PROBLEMS FOR U.S. FISHING INTERESTS, AND THE MISSION POINTED OUT THAT UNDER THE EC-US GIFA THE EC SHOULD PERMIT U.S. FISHING IN EC WATERS ON TERMS NO "MORE RESTRICTIVE" THAN THOSE APPLYING TO EC FISHERMEN IN U.S. WATERS. GALLAGHER REPLIED THAT THE EC WILL PROBABLY STATE THAT THERE IS NO SHRIMP

SURPLUS OFF FRENCH GUIANA AND THAT, THEREFORE, RECIPROCAL FISHING TERMS DO NOT APPLY THOUGH THE COMMISSION WILL PROBABLY OFFER QUOTA OF OVER 1000 TONS TO U.S. FLAG VESSELS ON A UNILATERAL BASIS. HE ALSO NOTED IN PASSING THAT THE EC WILL PROBABLY IMPOSE A LICENSING SYSTEM FOR SPANISH FISHING IN EC WATERS AND WILL SEEK A FISHING AGREEMENT WITH BRAZIL TO PRESERVE SHRIMP STOCKS. END SUMMARY.

2. IN A CALL ON EC COMMISSION DEPUTY DIRECTOR GENERAL FOR EXTERNAL AFFAIRS GALLAGHER ON MARCH 17, THE DCM POINTED OUT THAT THE USG AND US FISHING INTERESTS ARE PERPLEXED BY CONFLICTING GUIDANCE FROM DIFFERENT SOURCES REGARDING CONTINUED U.S. SHRIMP FISHING IN THE 200-MILE FISHING ZONE RECENTLY ESTABLISHED OFF FRENCH GUIANA AND ASKED FOR CLARIFICATION PER REF (A). IN PARTICULAR, WE ASKED WHETHER U.S. FISHERMEN NEED LICENSES FOR FRENCH GUIANA AND, IF SO, TO WHOM THEY SHOULD APPLY? WE ALSO REMINDED GALLAGHER THAT, IN CONFORMITY WITH ARTICLE XIV OF THE EC/US GIFA, WE EXPECTED THAT ANY SUCH FISHING MEASURES BE "NO MORE RESTRICTIVE" THAN THOSE IMPOSED BY THE U.S. ON EC FISHERMEN.

3. GALLAGHER REPLIED THAT FOR THE MOMENT U.S. FISHERMEN NEED NOT REPEAT NOT REQUEST LICENSES FROM FRANCE AND SHOULD CONTINUE TO FISH OFF FRENCH GUIANA AS AUTHORIZED BY THE COMMISSION (I.E., KEEP RECORD OF CATCH FOR VERIFICATION BY LOCAL AUTHORITIES IN EVENT LATTER ASK FOR IT - IN REF (E)). HE NOTED THAT A QUOTA AND PRIOR LICENSING LIMITED OFFICIAL USE

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SYSTEM FOR FRENCH GUIANA WILL PROBABLY BE EVENTUALLY IMPOSED FOLLOWING CURRENT DISCUSSIONS IN PROGRESS IN BRUSSELS WITH FRENCH AUTHORITIES.

4. IN REVIEWING EC POLICY ON LICENSING, GALLAGHER NOTED THAT THE USSR, POLAND, AND THE GDR MUST NOW SEEK FISHING LICENSES AND THAT A LICENSING SYSTEM WILL PROBABLY BE INSTITUTED TO CONTROL SPANISH FISHING IN EC EATERS, NOTABLY IN THE BAY OF BISCAY. THIS SYSTEM WILL PROBABLY ALSO BE ADMINISTERED THROUGH THE EC COUNCIL PRESIDENCY (THE UK) UNTIL A COMMUNITY LICENSING SYSTEM IS ESTABLISHED.

5. ESTABLISHING A LICENSING SYSTEM FOR FRENCH GUIANA WILL BE EVEN MORE COMPLICATED BECAUSE OF THE LARGE NUMBER OF SMALL VESSELS INVOLVED, THE SIZE OF THE AREA AND THE MIGRATORY HABITS OF THE SHRIMP BETWEEN NATIONAL FISHING ZONES. BECAUSE OF THE COMPLEXITY, IT MAY BE NECESSARY TO ESTABLISH FISHING CONTROL LOCALLY TO

TO FACILITATE ENFORCEMENT, THE EC, HE INDICATED MAY AUTHORIZE FRENCH AUTHORITIES IN CAYENNE AS "LOCAL AGENTS" TO ADMINISTER THE LICENSING SYSTEM. HE ADDED IN CONFIDENCE THAT CONSIDERATION IS ALSO BEING GIVEN TO ESTABLISHING A FOREIGN SHRIMP FISHING QUOTA OF 2000 TONS FOR 1977, OVER ONE HALF OF WHICH WOULD BE RESERVED FOR U.S. VESSELS. OTHER CONSERVATION AND MANAGEMENT MEASURES SUITED FOR FISHING OFF FRENCH GUIANA, INCLUDING REQUIREMENTS AS TO WHERE SHRIMP CATCHES MUST BE LANDED, ARE ALSO BEING CONSIDERED.

6. THE DCM NOTED THAT IF IT WERE INTENDED THAT ALL SHRIMP WOULD HAVE TO BE LANDED IN FRENCH GUIANA, THIS WOULD CAUSE SERIOUS PROBLEMS FOR SOME U.S. FISHING INTERESTS WHO HAVE MADE LARGE INVESTMENTS IN NEIGHBORING SURINAM OR ELSEWHERE FOR SHRIMP PROCESSING FACILITIES. HE FELT THAT SUCH A CONDITION WOULD NOT BE IN CONFORMITY WITH THE LIMITED OFFICIAL USE

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U.S.-EC GIFA SINCE THE U.S. DOES NOT IMPOSE ANY REQUIREMENT ON EC FISHERMEN THAT THEY MUST LAND THEIR CATCH IN THE U.S.

7. WHILE NOT CONFIRMING THAT SUCH REQUIREMENT WOULD BE INCLUDED IN NEW EC CONDITIONS FOR SHRIMP FISHING OFF GUIANA, GALLAGHER SAID THAT THE QUESTION OF EQUAL TREATMENT WOULD NOT ARISE SINCE THERE WILL PROBABLY BE NO DECLARED SHRIMP SURPLUS OFF FRENCH GUIANA. HENCE, SINCE THE EC WOULD BE PERMITTING THE U.S. TO CATCH WHAT ARE, OFFICIALLY, "NON-SURPLUS" SHRIMP, IT WOULD NOT HAVE TO LIMIT ITS CONSERVATION MEASURES TO THE EQUIVALENT OF THOSE APPLIED TO EC FISHERMEN IN CATCHING THEIR QUOTAS OF OFFICIAL SURPLUSES IN U.S. WATERS. HE REPEATED EARLIER ARGUMENTS THAT IT IS NOT IN THE U.S. INTEREST TO FORCE THE EC TO DECLARE A SHRIMP SURPLUS OFF FRENCH GUIANA, UNDER THE "EMERGING CONSENSUS" IN UN LAW OF THE SEA NEGOTIATIONS, THE EC WOULD THEN HAVE TO GIVE ACCESS TO OTHER COMPETITIVE COUNTRIES TRADITIONALLY FISHING SHRIMP OFF FRENCH GUIANA. IN THIS CONNECTION, HE NOTED THAT THE COMMISSION WAS SURPRISED TO LEARN THAT THERE WERE AT LEAST 100 JAPANESE VESSELS FISHING OFF FRENCH GUIANA AND THAT THE EC HAS VIRTUALLY CONCLUDED THAT IT WILL HAVE TO NEGOTIATE AN AGREEMENT PROVIDING FOR THE GRADUAL PHASING OUT OF SUCH FISHING.

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INFO OCT-01 ARA-06 EUR-12 EA-07 ISO-00 FEA-01 ACDA-07

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8. GALLAGHER FURTHER DISCUSSED THE COMPLEX INTEREST OF OTHER STATES, INCLUDING SOUTH KOREA AND SURINAM, IN SHRIMP OFF THE COAST OF SOUTH AMERICA. HE NOTED THE IMPORTANCE OF REACHING AN AGREEMENT WITH BRAZIL TO RESTRICT ITS SHRIMP FISHING ACTIVITY WHEN THE SHRIMP MIGRATE THROUGH ITS WATERS IN ORDER TO MAINTAIN THE ABILITY OF THE SHRIMP TO REPRODUCE AND PRESERVE THEIR STOCK.

9. WE SAID WE NOTED THAT GALLAGHER WAS JUST SPECULATING ABOUT POSSIBLE CONDITIONS AS THIS STAGE, BUT ADVISED HIM THAT WE WERE SURELY HEADED FOR TROUBLED WATERS IF THE EC FORMALLY ADOPTS A REQUIREMENT TO LAND CATCH IN FRENCH GUIANA.

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10. COMMENT: WE WOULD LIKE INFORMATION SOON FROM DEPARTMENT ABOUT EFFECT OF SUCH REQUIREMENT ON U.S. FLAG FISHING INTERESTS OFF FRENCH GUIANA AND ARGUMENTS WE SHOULD USE WITH COMMISSION ON THIS ISSUE SHOULD IT BEGIN TO DEVELOP AS A SERIOUS PROPOSAL. END COMMENT.HINTON

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